

REMARKS/ARGUMENTS

Claims 1, 3, and 4 are pending after entry of the above amendments. Claims 1, 3, and 4 have been amended, and Claim 2 has been canceled.

In the Office Action, the abstract was objected to as exceeding 150 words, Claims 2-4 were objected to as beginning with "An" when they refer to the article joint purchase system of claim 1, and Claims 1-4 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for various reasons. Additionally, Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horn in view of Dietrich, in further view of Carter, in further view of NACA Bulletin, in further view of Ratnam, in further view of Taylor. Claim 3 was rejected as unpatentable over the references cited for Claim 1, in further view of Mesaros. Claim 4 was rejected as unpatentable over the references cited for Claim 3, in further view of Marshall.

Additionally, enclosed with the Office Action was a Requirement for Information per 37 C.F.R. 1.105.

Response to Requirement for Information

Interrogatory #1: Regarding the mathematical equation of claim 2, was this mathematical equation derived independently by Applicant, or taken directly from another source?

Response to #1: This mathematical equation was derived independently by the Applicant.

Interrogatory #2: If the above mathematical equation was taken directly from another source, what was that source?

Response to #2: No response required.

Interrogatory #3: If the above mathematical equation was derived independently by Applicant, what other mathematical equations and/or algorithms were used by Applicant to derive the mathematical equation of claim 2?

Response to #3: There are no other mathematical equations and/or algorithms that were used by the Applicant to derive the mathematical equation of claim 2. The mathematical equation of claim 2 was derived based on the Applicant's experience. The Applicant knew based on his own experience that there is a cost that occurs regardless of orders (e.g., mold-building cost), and a cost that occurs based on orders (e.g., cost of raw materials).

Interrogatory #4: If other mathematical equations and/or algorithms were used by the Applicant to derive the mathematical equation of claim 2, what were the sources of those equations and/or algorithms?

Response to #4: No response required.

Response to Claim Objections and Rejections Under 35 U.S.C. 112, Second Paragraph

Applicant has amended Claims 1-4 to address the objections and the rejections under 35 U.S.C. 112, second paragraph. In particular, Claim 1 has been amended to state what occurs if the first value is less than the second value, namely, the quantity and price determining means declining to determine sales to be made if the first value is less than the second value. Claim 1 also now includes the features formerly included in original Claim 2, and further clarifies that α and β are parameters that may be set by the user as long as $1 \geq (\alpha + \beta)$. Support for these amendments is provided in the application as filed, such that no new matter has been added. With respect to the first underlined expression above, the application indicates what the quantity and price determining means does if the first value is equal to or greater than the second value, namely, it determines sales to be made (see the specification at page 16, paragraph 0052); by clear implication, if the first value is less than the second value, then no such sales are determined. With respect to the second underlined expression above, see the specification at paragraph 0050 (pages 15-16).

Claims 3 and 4 have also been amended as suggested by the Examiner. Based on the amendments, the objections and indefiniteness rejections have been overcome.

Appl. No.: 10/599,067
Amdt. dated 04/26/2011
Reply to Office action of 01/28/2011

Response to Rejections Under 35 U.S.C. 103(a)

Claim 1 now includes the limitations of original Claim 2. As indicated above, the mathematical equation of Claim 2 was derived independently by the Applicant. It is submitted that the features of Claim 2, now included in Claim 1, distinguish over the cited references applied in the Office Action.

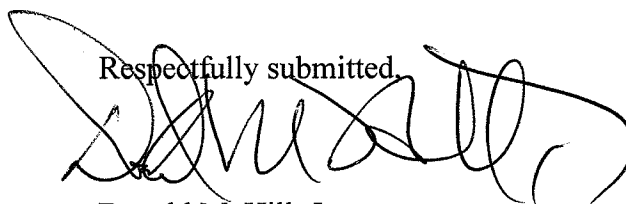
Accordingly, Applicant submits that Claims 1, 3, and 4 are patentable over the cited references.

Conclusion

Based on the above amendments and remarks, Applicant submits the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald M. Hill, Jr.", written over the typed name.

Donald M. Hill, Jr.
Registration No. 40,646

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON APRIL 26, 2011.